

CLOSED,TYPE I-FOIA

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-00652-BAH

PUBLIC EMPLOYEES FOR ENVIRONMENTAL
 RESPONSIBILITY v. UNITED STATES ENVIRONMENTAL
 PROTECTION AGENCY

Assigned to: Chief Judge Beryl A. Howell
 Cause: 05:552 Freedom of Information Act

Date Filed: 04/13/2017
 Date Terminated: 02/04/2019
 Jury Demand: None
 Nature of Suit: 895 Freedom of
 Information Act
 Jurisdiction: U.S. Government Defendant

Plaintiff

**PUBLIC EMPLOYEES FOR
 ENVIRONMENTAL
 RESPONSIBILITY**

represented by **Paula Naomi Dinerstein**
 PUBLIC EMPLOYEES FOR
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V.

Defendant

**UNITED STATES
 ENVIRONMENTAL PROTECTION
 AGENCY**

represented by **Daniel Patrick Schaefer**
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 DISTRICT OF COLUMBIA
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Date Filed	#	Docket Text
04/13/2017	<u>1</u>	COMPLAINT against UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Filing fee \$ 400 receipt number 0090-4912700) filed by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Attachments: # <u>1</u> Declaration Corporate Disclosure, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons EPA, # <u>4</u> Summons AG, # <u>5</u> Summons US Attorney)(Dinerstein, Paula) (Entered: 04/13/2017)
04/13/2017	<u>2</u>	NOTICE of corrected civil cover sheet by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY (Dinerstein, Paula) (Entered: 04/13/2017)
04/13/2017	<u>3</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (md) (Entered: 04/13/2017)
04/13/2017		Case Assigned to Chief Judge Beryl A. Howell. (md) (Entered: 04/13/2017)
04/13/2017	<u>4</u>	STANDING ORDER. Signed by Chief Judge Beryl A. Howell on April 13, 2017. (lcbah1) (Entered: 04/13/2017)
05/22/2017	<u>5</u>	SUMMONS (3) Issued Electronically as to UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Forms)(jd) (Entered: 05/22/2017)

06/30/2017	<u>6</u>	ENTERED IN ERROR.....CERTIFICATE OF SERVICE by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY . (Dinerstein, Paula) Modified on 7/3/2017 (zrdj). (Entered: 06/30/2017)
07/03/2017		NOTICE OF CORRECTED DOCKET ENTRY: re <u>6</u> Certificate of Service was entered in error as the incorrect event and counsel was instructed to refile said pleading using the appropriate Summons Returned Executed Event (e.g. Federal Defendant, U.S. Attorney General, FOIA case as to U.S. Attorney). (zrdj) (Entered: 07/03/2017)
07/05/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 6/26/2017. Answer due for ALL FEDERAL DEFENDANTS by 7/26/2017. (Attachments: # <u>1</u> Certificate of Service Service to Attorney General, # <u>2</u> Certificate of Service Service to EPA)(Dinerstein, Paula) (Entered: 07/05/2017)
07/05/2017	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 6/26/2017., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY served on 6/26/2017. (See Docket Entry <u>7</u> to view document). (znmw) (Entered: 07/06/2017)
07/27/2017	<u>9</u>	NOTICE of Appearance by Daniel Patrick Schaefer on behalf of UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Schaefer, Daniel) (Entered: 07/27/2017)
07/27/2017	<u>10</u>	ANSWER to Complaint by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.(Schaefer, Daniel) (Entered: 07/27/2017)
08/30/2017		MINUTE ORDER (paperless) DIRECTING the plaintiff to SHOW CAUSE, by September 12, 2017, why this action should not be dismissed for failure to prosecute. The Court's <u>4</u> Standing Order in this case provides that, pursuant to Federal Rule of Civil Procedure 26(f), "the parties must meet and confer," and must "file the Joint Meet and Confer Report required by Local Civil Rule 16.3(d) within thirty days after any defendant files an answer." Standing Order ¶ 3.a (emphasis in original). The government filed an answer on July 27, 2017. Accordingly, the parties' Joint Meet and Confer Report was due on August 28, 2017. Signed by Chief Judge Beryl A. Howell on August 30, 2017. (lcbah1) (Entered: 08/30/2017)
08/30/2017		Set/Reset Deadlines: Plaintiff Show Cause Response due by 9/12/2017 On Why This Action Should Not Be Dismissed For Failure To Prosecute. (mac) (Entered: 08/30/2017)
09/08/2017	<u>11</u>	MEET AND CONFER STATEMENT. (Dinerstein, Paula) (Entered: 09/08/2017)
09/08/2017		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>11</u> Joint Meet and Confer Report, the parties to file, by October 10, 2017, a joint status report: (1) advising the Court whether the parties have resolved all disputes over the defendant's response to the plaintiff's FOIA requests or whether dispositive motions are anticipated; and (2) proposing a briefing schedule, if necessary, to resolve any dispositive motions. Signed by Chief Judge Beryl A. Howell on September 8, 2017. (lcbah1) (Entered: 09/08/2017)
09/11/2017		Set/Reset Deadlines: Joint Status Report due by 10/10/2017. (tg) (Entered: 09/11/2017)
10/10/2017	<u>12</u>	MEET AND CONFER STATEMENT. (Attachments: # <u>1</u> Text of Proposed Order Defendant's Proposed Order, # <u>2</u> Text of Proposed Order Plaintiff's Proposed Order)(Schaefer, Daniel) (Entered: 10/10/2017)
10/11/2017		MINUTE ORDER (paperless) ISSUING, upon consideration of the parties' <u>12</u> Joint Meet and Confer Report, the following SCHEDULING ORDER to control the timing of proceedings in this matter: (1) by November 9, 2017, the defendant shall file its motion for summary judgment; (2) by December 11, 2017, the plaintiff shall file its opposition and any cross-motion for summary judgment; (3) by December 29, 2017, the defendant shall file its reply and any opposition to the plaintiff's cross-motion; and (4) by January 12, 2017, the plaintiff shall file any reply. Signed by Chief Judge Beryl A. Howell on October 11, 2017. (lcbah1) (Entered: 10/11/2017)

10/12/2017		Set/Reset Deadlines: Defendant's Motion for Summary Judgment due by 11/9/2017. Plaintiff's Opposition to Motion for Summary Judgment and any Cross-Motion for Summary Judgment due by 12/11/2017. Defendant's Reply to Motion for Summary Judgment and any Opposition to the Plaintiff's Cross-Motion due by 12/29/2017. Plaintiff's Reply to Cross-Motion due by 1/12/2018. (hmc) (Entered: 10/12/2017)
11/09/2017	<u>13</u>	MOTION for Summary Judgment by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 11/09/2017)
12/11/2017	<u>14</u>	Cross MOTION for Summary Judgment by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY (Attachments: # <u>1</u> Statement of Facts Statement of Material Facts Not in Genuine Dispute, # <u>2</u> Statement of Facts Statement of Genuine Issues, # <u>3</u> Memorandum in Support Points and Authorities, # <u>4</u> Text of Proposed Order Proposed Order)(Dinerstein, Paula) (Entered: 12/11/2017)
12/11/2017	<u>15</u>	Memorandum in opposition to re <u>13</u> MOTION for Summary Judgment filed by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Attachments: # <u>1</u> Statement of Facts Statement of Material Facts Not in Genuine Dispute, # <u>2</u> Statement of Facts Statement of Genuine Issues, # <u>3</u> Memorandum in Support Points and Authorities, # <u>4</u> Text of Proposed Order Proposed Order)(Dinerstein, Paula) (Entered: 12/11/2017)
12/19/2017	<u>16</u>	Consent MOTION for Extension of Time to <i>Complete Summary-Judgment Briefing</i> by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 12/19/2017)
12/19/2017		MINUTE ORDER (paperless) GRANTING the defendant's <u>16</u> Consent Motion to Enlarge Briefing Schedule. By January 19, 2018, the defendant shall file a combined reply and opposition. By February 2, 2018, the plaintiff shall file a reply. Signed by Chief Judge Beryl A. Howell on December 19, 2017. (lcbah1) (Entered: 12/19/2017)
12/20/2017		Set/Reset Deadlines: Defendant's combined reply and opposition due by 1/19/2018; plaintiff's reply due by 2/2/2018. (tg) (Entered: 12/20/2017)
01/19/2018	<u>17</u>	Consent MOTION for Extension of Time to <i>Summary Judgment Briefing Schedule</i> by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 01/19/2018)
01/22/2018	<u>18</u>	Consent MOTION to Stay <i>Summary-Judgment Briefing Schedule</i> by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 01/22/2018)
01/22/2018		MINUTE ORDER (paperless) GRANTING the defendant's <u>17</u> Consent Motion to Enlarge Briefing Schedule. The defendant shall, by January 24, 2018, file any reply and opposition to the plaintiff's cross-motion for summary judgment, and the plaintiff shall, by February 7, 2018, file any reply. Signed by Chief Judge Beryl A. Howell on January 22, 2018. (lcbah1) (Entered: 01/22/2018)
01/23/2018		Set/Reset Deadlines: Opposition to Cross Motion and Reply to Opposition to Motion for Summary Judgment due by 1/24/2018; Reply to Opposition to Cross Motion due by 2/7/2018. (tg) (Entered: 01/23/2018)
01/23/2018		MINUTE ORDER (paperless) DENYING the defendant's <u>18</u> Motion to Stay as moot. Signed by Chief Judge Beryl A. Howell on January 23, 2018. (lcbah1) (Entered: 01/23/2018)
01/24/2018	<u>19</u>	REPLY to opposition to motion re <u>13</u> MOTION for Summary Judgment filed by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Statement of Facts Defendant's Response to Plaintiff's Statement of Material Facts Not in Genuine Dispute, # <u>2</u> Statement of Facts Defendant's Response to Plaintiff's Statement of Material Facts That Are in Genuine Dispute, # <u>3</u> Exhibit D)(Schaefer, Daniel) (Entered: 01/24/2018)
01/24/2018	<u>20</u>	Memorandum in opposition to re <u>14</u> Cross MOTION for Summary Judgment filed by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Statement of Facts Defendant's Response to Plaintiff's Statement of Material Facts

		Not in Genuine Dispute, # <u>2</u> Statement of Facts Defendant's Response to Plaintiff's Statement of Material Facts That Are in Genuine Dispute, # <u>3</u> Exhibit D)(Schaefer, Daniel) (Entered: 01/24/2018)
01/31/2018	<u>21</u>	Consent MOTION for Extension of Time to File Response/Reply by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY (Attachments: # <u>1</u> Text of Proposed Order)(Dinerstein, Paula) (Entered: 01/31/2018)
01/31/2018		MINUTE ORDER (paperless) GRANTING the plaintiff's <u>21</u> Consent Motion for Extension of Time to File Summary Judgment Reply Brief. The plaintiff shall, by February 12, 2018, file any reply in support of its cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on January 31, 2018. (lcbah1) (Entered: 01/31/2018)
02/01/2018		Set/Reset Deadlines: Reply to Opposition to Cross-Motion for Summary Judgment due by 2/12/2018. (tg) (Entered: 02/01/2018)
02/12/2018	<u>22</u>	REPLY to opposition to motion re <u>13</u> MOTION for Summary Judgment , <u>14</u> Cross MOTION for Summary Judgment filed by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Dinerstein, Paula) (Entered: 02/12/2018)
04/16/2018	<u>23</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Exhibit 1)(Schaefer, Daniel) (Entered: 04/16/2018)
06/01/2018	<u>24</u>	ORDER DENYING the defendant's <u>13</u> Motion for Summary Judgment and GRANTING the plaintiff's <u>14</u> Cross-Motion for Summary Judgment. See Order for further details. Signed by Chief Judge Beryl A. Howell on June 1, 2018. (lcbah3) (Entered: 06/01/2018)
06/01/2018	<u>25</u>	MEMORANDUM OPINION regarding the defendant's <u>13</u> Motion for Summary Judgment and the plaintiff's <u>14</u> Cross-Motion for Summary Judgment. Signed by Chief Judge Beryl A. Howell on June 1, 2018. (lcbah3) (Entered: 06/01/2018)
06/01/2018		Set/Reset Deadlines: Defendant to conduct and complete search for documents pursuant to the Freedom of Information Act (FOIA) by 7/2/2018; explanation of any agency records withheld in full or in part by 7/11/2018; joint status report due by 7/31/2018. (tg) (Entered: 06/01/2018)
06/26/2018	<u>26</u>	MOTION for Extension of Time to <i>Comply with Court Order</i> by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 06/26/2018)
06/27/2018	<u>27</u>	ENTERED IN ERROR.....Memorandum in opposition to re <u>26</u> MOTION for Extension of Time to <i>Comply with Court Order</i> filed by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Dinerstein, Paula) Modified on 6/28/2018 (zrdj). (Entered: 06/27/2018)
06/27/2018	<u>28</u>	Memorandum in opposition to re <u>26</u> MOTION for Extension of Time to <i>Comply with Court Order with Corrected Proposed Order</i> filed by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Attachments: # <u>1</u> Supplement Corrected proposed order)(Dinerstein, Paula) (Entered: 06/27/2018)
06/28/2018		NOTICE OF CORRECTED DOCKET ENTRY: re <u>27</u> Memorandum in Opposition, was entered in error and was refiled as pleading <u>28</u> . (zrdj) (Entered: 06/28/2018)
06/29/2018		MINUTE ORDER (paperless) DENYING IN PART AND GRANTING IN PART, over the plaintiff's objection, the defendant U.S. Environmental Protection Agency's ("EPA") <u>26</u> Motion for Extension of Time ("EPA Mot."). On June 1, 2018, summary judgment was granted to plaintiff regarding EPA's refusal to conduct a search for responsive documents to plaintiff's two-part record request, pursuant to the Freedom of Information Act ("FOIA"), which request was submitted on March 10, 2017. The June 1, 2018, <u>24</u> Order directed EPA, <i>inter alia</i> , to conduct and complete its search for documents responsive to both parts of the FOIA request within 30 days. Contrary to this Order, in the last month, EPA advises that no search for records responsive to either part of the FOIA request submitted fifteen months ago has been initiated. EPA Mot. at 2 (noting EPA "will develop a search strategy").

		<p>With respect to the first part of the FOIA request, EPA now requests a 35-day extension, until August 6, 2018, to complete its search for responsive records. <i>Id.</i> This extension is excessive in light of the fact that EPA previously advised the Court, on October 10, 2017, that it is "prepared to search for any briefing materials" responsive to this first part of the FOIA request. <i>See parties' 12 Joint Status Report</i> (Oct. 10, 2017) at 1. Given this "prepar[ation]" for over eight months, EPA's request for an extension of 35 days to comply with its search obligations under the FOIA and the June 1, 2018, <u>24</u> Order is denied in part, and EPA is granted an extension of ten days, until July 11, 2018, to complete the search for records responsive to the first part of the FOIA request, and to produce any non-exempt responsive records to the plaintiff, along with an explanation of any such records withheld by August 1, 2018.</p> <p>With respect to the second part of the FOIA request, EPA requests a 14-day extension "to initiate the search...and then to file a status report by July 30, 2018, updating the Court on the status and results of EPA's search efforts to date and recommendations for next steps." EPA Mot. at 3. In making this request, EPA reiterates already-rejected arguments from its summary judgment motion that "Plaintiff's request appears to call for a subjective judgment as to what documents support the conclusion that 'human activity is not the largest factor driving global climate change.'" <i>Id.</i> To the contrary, the second part of the request "targets agency records that...specifically conclu[de] that humans are not the largest factor, with no need for the FOIA staff to conduct scientific research or make judgment calls." <i>PEER v. EPA</i>, 2018 WL 2464463 at *6 (D.D.C. June 1, 2018) (internal quotation marks omitted). In other words, EPA's request to delay the search for records responsive to the second part of the FOIA request is predicated on EPA's continuing mis-reading of the FOIA request.</p> <p>Nonetheless, as EPA correctly points out, the second part of the FOIA request has no date range, but it adds that plaintiff has already "helpfully clarified" certain records that need not be searched. EPA Mot. at 3 n.1. Given that EPA continues to mis-read the second part of the FOIA request and has conferred successfully with plaintiff about some aspects regarding the scope of the request, the parties are directed to confer and submit, by noon on July 6, 2018, a joint report regarding the search criteria agreed-to and not agreed-to, if any, for this aspect of the FOIA request; and EPA is directed, by that same date, to begin execution of any agreed-to criteria, with a rolling production of responsive, non-exempt records to the plaintiff. Accordingly, EPA's request for a 14-day extension to begin to search as to the second part of the FOIA request is denied, except that the schedule imposed by the June 1, 2018, <u>24</u> Order is modified as contained herein. Signed by Chief Judge Beryl A. Howell on June 29, 2018. (lcbah3) (Entered: 06/29/2018)</p>
07/02/2018		Set/Reset Deadlines: EPA's completion of the search for records responsive to the first part of the FOIA request due by 7/11/2018; EPA's production of any non-exempt responsive records to the plaintiff, along with an explanation of any such records withheld due by 8/1/2018. Joint Status Report regarding the search criteria agreed-to and not agreed-to, if any, for the second part of the FOIA request due by noon on 7/6/2018. (tg) (Entered: 07/02/2018)
07/06/2018	<u>29</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 07/06/2018)
07/06/2018	<u>30</u>	NOTICE of Proposed Order by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY re <u>29</u> Status Report (Attachments: # <u>1</u> Text of Proposed Order (Corrected Version))(Schaefer, Daniel) (Entered: 07/06/2018)
07/06/2018		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>29</u> Joint Status Report, the parties to file, by July 24, 2018, a joint status report regarding the status of EPA's searches and production of responsive records. All other deadlines set by the Court's June 29, 2018, Minute Order remain in place. Signed by Chief Judge Beryl A. Howell on July 6, 2018. (lcbah3) (Entered: 07/06/2018)
07/06/2018		Set/Reset Deadlines: Joint Status Report due by 7/24/2018. (tg) (Entered: 07/06/2018)
07/24/2018	<u>31</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 07/24/2018)

07/24/2018		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>31</u> Joint Status Report, the parties to file, by August 10, 2018, a joint status report regarding the status of EPA's searches and production of responsive records, and recommending a schedule for further proceedings in this case. Signed by Chief Judge Beryl A. Howell on July 24, 2018. (lcbah3) (Entered: 07/24/2018)
07/25/2018		Set/Reset Deadlines: Joint Status Report due by 8/10/2018. (tg) (Entered: 07/25/2018)
08/10/2018	<u>32</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 08/10/2018)
08/10/2018		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>32</u> Joint Status Report, the parties to file, by October 23, 2018, a joint status report regarding the status of EPA's searches and production of responsive records, and recommending a schedule for further proceedings in this case. Signed by Chief Judge Beryl A. Howell on August 10, 2018. (lcbah3) (Entered: 08/10/2018)
08/13/2018		Set/Reset Deadlines: Joint Status Report due by 10/23/2018. (tg) (Entered: 08/13/2018)
10/23/2018	<u>33</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 10/23/2018)
10/24/2018		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>33</u> Joint Status Report, the parties to submit a joint status report by December 6, 2018. Signed by Chief Judge Beryl A. Howell on October 24, 2018. (lcbah1) (Entered: 10/24/2018)
10/24/2018		Set/Reset Deadlines: Joint Status Report due by 12/6/2018. (tg) (Entered: 10/24/2018)
11/01/2018	<u>34</u>	WITHDRAWN PURSUANT TO <u>35</u> ERRATA FILED 11/1/2018.....Joint STATUS REPORT by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Dinerstein, Paula) Modified on 11/5/2018 (zrdj). (Entered: 11/01/2018)
11/01/2018	<u>35</u>	ERRATA RE <u>34</u> <i>Status report filed in error</i> by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Dinerstein, Paula) (Entered: 11/01/2018)
12/06/2018	<u>36</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 12/06/2018)
12/07/2018		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>36</u> Joint Status Report, the parties to submit a joint status report by December 14, 2018. Signed by Chief Judge Beryl A. Howell on December 7, 2018. (lcbah1) (Entered: 12/07/2018)
12/07/2018		Set/Reset Deadlines: Joint Status Report due by 12/14/2018. (tg) (Entered: 12/07/2018)
12/14/2018	<u>37</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Schaefer, Daniel) (Entered: 12/14/2018)
02/04/2019	<u>38</u>	STIPULATION of Dismissal <i>and Settlement</i> by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Dinerstein, Paula) (Entered: 02/04/2019)
02/04/2019		MINUTE ORDER (paperless) DISMISSING this matter with prejudice in light of the parties' <u>38</u> Stipulation of Settlement and Dismissal. <i>See</i> Federal Rule of Civil Procedure 41(a)(1)(A)(ii). The Clerk of the Court is directed to close the case. Signed by Chief Judge Beryl A. Howell on February 4, 2019. (lcbah1) (Entered: 02/04/2019)